

Interim Decision #2075

MATTER OF GUTNICK  
In Deportation Proceedings

A-13438882

*Decided by Board March 17, 1971*

Where, subsequent to respondent's convictions of burglary in Arizona, court orders were issued setting aside the judgments of conviction and dismissing the complaints for all purposes pursuant to Article 13-1744 of the Arizona Criminal Code as amended by Chapter 221, section 1, effective January 1, 1971, such convictions have been expunged and are no longer convictions of crimes within the meaning of section 241(a)(4) of the Immigration and Nationality Act.

CHARGE:

Order: Act of 1952—Section 241(a)(4) [8 U.S.C. 1251(a)(4)]—Convicted of two crimes involving moral turpitude: Burglary from vehicle and burglary, first degree.

ON BEHALF OF RESPONDENT:  
Ruben Montemayor, Esquire  
1414 Tower Life Building  
San Antonio, Texas 78205

ON BEHALF OF SERVICE:  
Bernabe Q. Maldonado  
Trial Attorney  
(Brief filed)

This case is before us on motion of the respondent to reopen the deportation proceedings and to reconsider the Board's order of deportation, dated October 30, 1969. The Service does not oppose the respondent's motion. The motion will be granted and the proceedings terminated.

The record relates to a 40-year-old unmarried male alien, a native and citizen of Canada, who entered the United States for permanent residence on May 15, 1963. On November 6, 1968, the respondent was convicted, after a plea of guilty, in the Superior Court of the State of Arizona, County of Maricopa, for the offense of burglary from a vehicle. On November 19, 1968, the respondent was convicted, after a plea of guilty, in the Superior Court of the State of Arizona, County of Pima, for the offense of burglary, first degree. For both of these offenses the sentence was suspended and he was placed on probation. In *Matter of Gutnick*,